

REMARKS

Independent claim 1, as well as dependant claims 2 and 6, were rejected under 35 U.S.C. 103 (a) as unpatentable over Schuchardt (DE '858). The Action states that the abstract of the '858 patent indicates ... "that the ventilation liner can be downstream of the jet pump and since the shown vent is at the highest point of the inlet line to the jet pump, it would have been obvious to place any vent downstream of the pump also at the high point in that line." The abstract of the '858 patent has been carefully reviewed and it is submitted that it contains neither disclosure nor suggestion that the aerator 15 can or should be positioned in any position other than at the high point of line 29. Line 29 extends between the motor driven fuel pump 5 and the jet pump 7. The first sentence of paragraph 2 of the abstract says that the aerator 15 is located in the suction line or in the delivery line of the suction jet pump. Assuming this to be language that the Examiner thought might suggest an alternate location of valve 15 from line 29, it must be pointed out that line 29 is identified in the specification of '858 as a "feed line" a "suction line" and as a "supply line." (see item 29 of Table in col. 6 of German text). For the convenience of the Examiner, an English translation of the '858 patent is enclosed with this amendment.

The line 4 which extends between jet pump 7 and surge tank 2 is described only as ... "line which adjoins the mixing pipe 11." The term "delivery", found in the abstract, is not used in '858 to describe any of the lines through which fuel passes. Clearly, the specification only discusses the location of aerator 15 as being in line 29, specifically at the location seen in Fig. 1.

As described in the present invention, the location of venting element 10 in feed line 7 prevents siphoning of fuel from tank 2 via line 7. This is significant because this location precludes siphoning action when either fuel pump 4 or jet p ump 6 fails. In the case of '858,

siphoning action is prevented only through line 29, not through line 4, and only failure or interruption of the engine fuel pump will cause line 29 to be vented.

Failure of the jet pump, for whatever reason, without failure of the fuel pump, cannot result in preventing siphoning from occurring via line 4.

Thus, applicant's present construction represents a significant improvement over the '858 device and is an improvement which is believed to be novel and patentable over the '858 device.

Referring to the rejection of claim 7, the EO 00/56138 discloses a valve where the valve body may be adjusted by a screw bolt. However, the wording "bolt" mentioned in claim 3, is a guiding bolt, as described in the application on page 4. The bolt mentioned in the WO 00/56138 disposes of a channel 19, which takes charge of further controls. Therefore, the chamber 2 may not be closed completely, because either the opening 6 will be released or the channel 19 will produce a connection of the chamber with the environment. Due to this fact, the valve according to the WO 00/56138 may not be transferred to the present invention.

Sawamoto (US 5,657,734) does not claim a gas-proofed hinge, that is the subject matter of claim 4 of the present invention. The flap disclosed in Fig. 3 of Sawamoto does not close an opening in a wall. In fact, Sawamoto discloses a non-return-valve which may not anticipate claim 4 of the present invention.

In the opinion of the Examiner, Schuster and Schuchardt would anticipate claim 5 of the invention. Of course, there is no question that floats are well known for the regulation of valves, but the float according to Schuster is arranged on the admission edge of the jet pump. In claim 5 of the present invention, the float is arranged within the feed line. Besides, according to Schuster, there will be a need for a separate float housing.

The DE 299 19 287 U1 cited by the Examiner according to claim 7 discloses a valve, where a valve body 3 constructed as a valve disk closes an opening 6. The diaphragm obviously only serves for the pretension of the valve disk. Due to this fact, claim 7 is at least new because the valve body according to the invention is formed itself as a diaphragm.


Summarizing, claim 1 has been amended to more closely recite that the vent 10 is located between the jet pump 6 and the surge tank elements 8 and/or 3. This position delivers anti-siphoning benefits that are not possible from use of the '858 apparatus.

For the reasons set forth above, it is believed that the present invention is patentable and reconsideration and allowance of the claims are earnestly solicited.

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